
The Lesotho Technical And Vocational Training Act 1984
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The Lesotho Technical And Vocational Training Act 1984

ACT NO. 25 OF 1984

[Date of Assent: 6.9.84]

[Date of Commencement: See Section 1]

ACT

PART I: PRELIMINARY

To make provision for the establishment of a Department of Technical and Vocational Training within the Ministry of Education and a Technical and Vocational Training Advisory Board for the development of training of persons for skilled occupations for and in trade and industry and for the development of skill training and matters related thereto in technical and vocational education and training institutions.

**Short title
and
commence-
ment**

1. (1) This Act may be cited as the Technical and Vocational Training Act, hereinafter referred to as "the Act."

(2) This Act shall come into operation on such date as the Minister may appoint by notice in the Gazette and the Minister may appoint different dates for the coming into operation of different parts or different sections of the Act.

**Interpre-
tation**

2. In this Act, unless the context otherwise requires:

"appointed day" means such day as the Minister may appoint, by order published in the Gazette for the coming into force of this Act or any part, section or provision thereof;

"Board" means the Technical and Vocational Training Board established under Section 7;

"competent person" means a person possessing qualifications or experience necessary for some purpose under the Act;

"Committee" means a training committee established under Section 10;

"designated trade or occupation" means any trade or occupation established under Section 5;

"Director" means the Director of Technical and Vocational Training appointed under Section 6;

"employer" means any person or undertaking, corporation, company, public authority or body of persons who or which has taken into employment a trainee or worker and includes:

(a) any agent, representative, foreman or manager of such person, undertaking, corporation, company, public authority or body of persons who is placed in authority over the employee, and

(b) in the case of any such person:

- (i) who has died, his executor;
- (ii) who has become of unsound mind, his Curator Bonis;
- (iii) who has become insolvent, the trustee of his insolvent estate;
- (iv) which is a company in liquidation, the liquidator of the company;

“industry” means any branch of trade, industry or commerce;

“in-service training” means training which is carried out either within the company or organisation by whom the person being trained is employed, or in a training institution to which the person has been assigned to undergo a specific training programme or course whilst retaining his employment with his employer;

“Minister” means the Minister responsible for Education;

“off-the-job training” means training which is carried out at a place other than the person’s place of employment;

“on-the-job training” means training which is carried out at the person’s place of employment;

“pre-service training” means training which is carried out prior to employment in industry;

“scheme” means a training scheme made under Section 14;

“skilled worker or skilled supervisor” means a person who by reason of his experience and knowledge is qualified to instruct trainees on-the-job in the trade or occupation in which the skilled worker or skilled supervisor has gained his experience;

“Technical and Vocational Training Officer” means a person who is responsible to the Director for co-ordinating the training of workers and trainees, the trade testing of workers, and for supervising the application of technical studies within the secondary education system;

“technical studies” means the studies of technologies, related sciences and the acquisition of practical skills in secondary schools;

“technical training” means training designed to prepare middle-level personnel such as technicians, middle management, for employment in trade, industry and commerce and includes theoretical, scientific and technical components and related skill training;

“technical and vocational education” means the education, process when it involves, in addition to general education, the studies of technologies, related sciences and the acquisition of practical skills and knowledge relating to various sectors of economic and social life;

“trade or occupation” means any legitimate and viable activity pursued by individuals to earn a livelihood other than an occupation requiring a university degree or an equivalent qualification;

"trainee" means a person who is being trained by or for an employer, or for employment, under a training scheme in any trade or occupation;

"vocational training" means training which aims at providing the skills, knowledge and attitudes required for employment in a particular occupation, trade or job, or for exercising a function in any field of economic activity.

Act may be binding on Government

3. Subject to Section 4 and Section 15, the provisions of this Act shall apply to employment with, by, or under the Government.

Minister may exempt

4. (1) The Minister may, by order published in the Gazette, exempt any person or public authority or class of persons or public authority from the operation of all or any of the provisions of this Act or any regulation, order or direction made thereunder.

(2) No exemption shall be made by the Minister under this Section which is incompatible with any International Labour Convention for the time being in force in Lesotho.

PART II: ADMINISTRATION

Designation of Trades and occupation

5. (1) The Minister may, on the advice of the Board, and by notice in the Gazette;

(a) designate any trade or occupation in any industry as a trade or occupation in respect of which the provisions of this Act shall apply;

(b) define such trade or occupation by reference to the work performed therein and the operations of which it is composed;

(c) require that any person or persons entering any trade or occupation designated for the purpose of acquiring the skills and knowledge of such trade or occupation shall not do so except under the provisions as defined in section 14.

(2) The Minister may, on the advice of the Board, vary or revoke any designation made under sub-section (1) of this Section.

(3) Notwithstanding the provisions of this Section, the Minister may, on the advice of the Board, and by notice in the Gazette:

(a) declare any, or all, of the designated trades or occupations to be apprenticeable trades or occupations; and

(b) in the event of such a decision, shall take the necessary steps to see that regulations to include provisions for the development, training and protection of apprentices are prescribed under Section 15 of this Act.

6. (1) There shall be appointed a Director of Technical and Vocational Training for the purposes of administering this Act, and there shall also be appointed one or more persons to be his assistants who shall be called Technical and Vocational Training Officers, all of whom shall be civil servants.

Appoint-
ment of
Director
and
Assistants

(2) Subject to the written directions of the Director, a Technical and Vocational Training Officer may exercise the functions of the Director under this Act.

(3) The Director and every Technical and Vocational officer shall be given an official Identity Card and when visiting any industrial premises or technical or vocational training institution or school in the execution of his duties shall, if so required by an employer, Principal or Headmaster, produce the card as proof of his identity.

(4) The Director and any Technical and Vocational Training Officer may:

- (a) at any reasonable time enter any industrial premises or training institution in which he has reasonable cause to believe that a trainee or worker is employed or is under-going a course of instruction and may take with him any competent person;
- (b) question, alone or in the presence of witnesses, any person concerning the application of this Act so far as it affects them, or may apply for information to any other person whose evidence he considers necessary;
- (c) require any trainee or worker undergoing training to appear before him at any reasonable time and place fixed by him and here and then interview that trainee or worker;
- (d) require the production or delivery of any of the records required to be kept under this Act and of any document relating to matters under this Act, and may examine and make extracts from and copies of any records or documents produced or delivered up as aforesaid subject to Section 16.

(5) The Director and any Technical and Vocational Training Officer:

- (a) shall not enter or inspect a private dwelling-house without the consent of the occupier thereof;
- (b) shall, on the occasion of a visit or inspection of an industrial establishment or technical or vocational training institution or school, notify the employer or his representative or the Principal of the Training institution or his representative or the Headmaster of the school or his representative of his presence; and
- (c) shall, if so required by the employer or Principal or Headmaster, be accompanied during any inspection or visit by the employer or his representative or Headmaster or his representative.

(6) Any person who:

- (a) without reasonable cause refuses or fails to comply with any lawful requirement or direction made by the Director or any Technical and Vocational Training Officer under this Section; or
- (b) hinders the Director or any Technical and Vocational Training Officer in the exercise of his powers under this Section, shall be guilty of an offence.

7. (1) There shall be a Technical and Vocational Training Board the members of which shall be appointed by the Minister as follows:

- (a) the Chairman shall be the Permanent Secretary for Education;
- (b) the Deputy Chairman shall be the Commissioner of Labour;
- (c) two members from nominees of employers' organisations;
- (d) two members from nominees of employees' organisations;
- (e) one member representing the Ministry of Finance;
- (f) one member representing the Ministry of Planning, Employment and Economic Affairs;
- (g) one member representing the Ministry of Industry, Trade and Tourism;
- (h) one member representing the Bureau of Women's Affairs;
- (i) three members representing the Church Education Secretaries;
- (j) one member representing the National University of Lesotho (IEMS);
- (k) one member representing technical assistance bodies.

(2) The Director of Technical and Vocational Training shall be, ex-officio, Secretary to the Board.

(3) Except the Chairman and the Deputy Chairman, who shall be permanent, members of the Board shall hold office for a period of not more than three years and shall be eligible for reappointment.

(4) Every member of the Board shall have the power to appoint a person (other than a member of the Board) approved by the Minister to act as an alternative member in his absence, and may, on notifying the Minister in writing, revoke the appointment of such alternate member.

(5) No person appointed as an alternate member under the provisions of sub-section (4) of this Section shall act as an alternate member in place of more than one member at a time.

(6) An alternate member, as such, shall be subject to the

provisions of this Act and may exercise all the powers and perform all the duties of the member by whom he was appointed, except the power to appoint an alternate member.

(7) The appointment of an alternate member shall be terminated if, for any reason, the member by whom such appointment was made ceases to be a member of the Board.

(8) The Minister may rescind the appointment of any member of the Board on account of the member's:

- (a) physical or mental incapacity;
- (b) absence from Lesotho for a continuous period of three months or more;
- (c) absence from three consecutive meetings of the Board without leave of the Board.

(9) Any member of the Board may, at any time, resign from the Board by giving one month's notice in writing addressed to the Minister.

(10) Where the Minister rescinds an appointment under sub-section (8) of this Section or receives a letter of resignation from a member of the Board under sub-section (9) of this Section, the Minister shall appoint a replacement for the unexpired period of the appointment, and in doing so, shall follow the procedure set out in sub-section (1) of this Section.

(11) All appointments to the Board shall be published in the Gazette.

8. (1) Meetings of the Board shall take place at such intervals as the Chairman may decide but not less than three times a year.

Meetings
and
Quorum
of the Board

(2) Notwithstanding the provisions of sub-section (1) of this Section, the Chairman shall convene a meeting of the Board not more than fourteen days after the receipt of a written request for such a meeting signed by three members of the Board representing at least two different interest groups.

(3) A quorum of the Board shall be the Chairman, or Deputy Chairman, and six members. All members shall be entitled to vote on any matter before the Board and in the case of an equality of votes the Chairman shall have a casting vote.

(4) In case of lack of a quorum, those members present may meet as a committee.

(5) The Board shall cause minutes of its proceedings to be kept.

(6) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(7) Subject to the provisions of this Act, the Board shall have the power to co-opt the services of any competent person it considers could assist in its functions for any particular matter.

Persons so co-opted shall have no voting power in the Board's deliberations.

(8) Members of the Board who are not full-time salaried employees of Government shall be paid a sitting allowance for attendance at meetings of the Board as shall be decided from time to time by the Minister.

Duties and
Functions of
the
Board

9. (1) The Board shall advise the Minister on any matter affecting technical and vocational training referred to it by the Minister and may of its own volition investigate or make recommendations to the Minister or to a training Committee on any matter connected with technical or vocational training or with this Act.

(2) Without prejudice to the generality of the requirements of sub-section (1) of this Section such matters shall include:

- (a) measures considered necessary by the Board to ensure an adequate supply of trained manpower in all trades and occupations in Lesotho, including carrying out training needs surveys as and when required;
- (b) maintaining permanent contact with employers of skilled manpower and those responsible for carrying out technical and vocational training;
- (c) steps to be taken to improve the quality and efficiency of pre-service and in-service training through the establishment of training schemes or programmes including the determination of the content of such schemes or programmes;
- (d) a continuing evaluation programme to establish the relationship between training, job performance and employers' requirements or national needs;
- (e) revising, modifying and adapting training schemes or programmes in the light of experience or changing needs;
- (f) exploring the possibilities through which industry could contribute, through the provision of resources, to the training of skilled manpower in technical and vocational training institutions;
- (g) the review and development of a system of standards and tests in respect of any trade or occupation and for the granting of certificates of proficiency to persons who pass such tests, and the keeping of records in relation to such tests;
- (h) the promotion of the welfare of persons undergoing training or retraining;
- (i) measures necessary to ensure that funds are available for such training as the Act may require;

- (j) the investigation and, where possible, the settlement of any dispute or other matter arising which may be referred to the Board;
- (k) the performance of any other duties, functions or tasks in regard to technical and vocational training as may be prescribed by the Minister.

10. (1) The Board may establish Committees to exercise, in relation to training or trade testing in specified industries, trades or occupations, or group of trades or occupations, such functions of the Board as the Board shall delegate in writing or as may be specified in Section 12. Committees
and Sub-
Committees

(2) A committee shall be appointed by the Board in writing and shall consist of not more than ten persons selected for their expertise and knowledge of the trades or occupations concerned so as to provide for reasonable representation of employers and employees and to include a representative of each of the three major vocational training institutions.

(3) Members of the committee shall hold office for a period of three years or such lesser period as may be specified at the time of their appointment and a retiring member shall be eligible for reappointment.

(4) A chairman shall be chosen by a committee from amongst members appointed under sub-section (2) of this Section.

(5) Any member of a committee may, with the permission of the Chairman of the committee, appoint a person to be an alternate member in his absence, providing he meets the requirements of a sub-section (2) of this Section, and may, on informing the Chairman, revoke such an appointment.

(6) No person appointed as an alternate member of a committee under sub-section (5) of this Section may himself appoint an alternate member or act as an alternate member in respect of more than one member; otherwise he may exercise all the powers and functions of a member of a committee.

(7) If a member of a committee appointed under the provisions of sub-section (2) of this Section is:

- (a) absent from three consecutive meetings of the committee;
- (b) is absent from Lesotho for a continuous period of three months or more; or
- (c) is prevented by physical or mental incapacity from carrying out his duties as a member of the committee,

the Board may rescind his appointment in writing and he shall cease to exercise any functions of a member of the committee with effect from the date of the notification and the Board may appoint a replacement for him on the committee.

(8) A Technical and Vocational Training Officer shall be, ex-officio, Secretary of a committee established under this Section.

(9) A committee may, with the approval of the Board, appoint such sub-committees as it deems necessary for dealing with any specific matter concerning technical and vocational training including trade testing.

(10) The Chairman of a committee shall cause minutes of its meetings to be kept.

**Meetings
and Quorum
of
Committees**

11. (1) Meetings of a committee shall take place at intervals such as the Chairman deems fit.

(2) A quorum of a committee shall be the Chairman and half the members. All members of a committee present at a meeting shall have the right to vote and in the event of an equality of votes the Chairman shall have a casting vote.

(3) A committee may co-opt to serve on it, for such time as it thinks fit, any competent person but such person shall neither be entitled to vote nor be counted as a member of that committee for the purpose of forming a quorum.

**Duties and
functions of
committee**

12. (1) A committee may, in respect of any industry, trade or occupation or groups of trades or occupation for which it has been established, advise the Board on:

- (a) training for and in industry;
- (b) the facilities and training to be provided for at technical and vocational training institutions for persons employed by industry or who seek to be employed by industry;
- (c) methods for ascertaining the standards of proficiency recommended by the committee for trainees and workers and persons undergoing trade tests;
- (d) the establishment of national trade standards in respect of any trade or occupation or groups of trades or occupations and the training standards necessary to meet the requirements of the national trade standards;
- (e) the establishment of a training scheme or schemes, or training programme or ~~training~~ programmes, for regulating the training of trainees or workers in any designated trade or occupation within the competency of the committee.

PART III: RECORDS

13. (1) Every employer who employs a trainee or worker undergoing training, or every Principal of a technical or vocational training institute, in which a trainee or worker is receiving, or has received, training shall keep such records as may be prescribed, providing that the Board may authorise, in writing signed by the Chairman, the keeping of records in some other form if they will in the Board's opinion enable them to ascertain therefrom such particulars as they may require.

Records to be kept by Employers and Principals of Technical and Vocational Training Institutions

(2) Every person who employs or has employed a trainee or worker who has received training, or every Principal of a technical or vocational training institute in which a trainee or worker has received training, shall retain any record made in accordance with this Section for a period of three years after the date of the last entry in the record.

(3) Every employer or every Principal of a technical or vocational training institute who fails to keep the required records in the proper form and manner and who fails to retain any record made in accordance with this Section for the required period shall be guilty of an offence.

PART IV: TRAINING SCHEMES AND REGULATIONS

14. (1) The Minister may, on the advice of the Board, make a scheme or schemes for regulating the training of persons in any trade or occupation, or may recognise a training scheme established by an employer providing it fulfills the requirements of subsection (2) of this Section.

Training Schemes

(2) A scheme may in respect of any trade or occupation to which it relates specify:

- (a) the minimum age and educational standards required;
- (b) the period of training;
- (c) the practical and theoretical training which shall be provided by or at the expense of employers for their trainees or workers which such trainees or workers shall undergo and the manner in which such training shall be provided and undergone, and which shall be of a standard not less than that prescribed under Section 15;
- (d) the proficiency tests or examinations which trainees or workers shall, from time to time, be required to undergo;
- (e) the numbers and qualifications of skilled workers to be provided for the instruction on-the-job of trainees and the ratio of trainees thereto;
- (f) any other matter which in the opinion of the Minister, on the advice of the Board, is necessary for the effective operation of the scheme.

(3) Different conditions may be specified under this Section in respect of different classes of employers or trainees or workers or different trades or occupations, in prescribing such different conditions, the Minister may apply any method of differentiation he deems advisable.

(4) A scheme may be amended or withdrawn by an order made by the Minister on the advice of the Board.

(5) Where the Minister makes, amends or withdraws a scheme, he shall publish it in the Gazette.

Regulations

15. (1) The Minister may make regulations generally for carrying this Act into effect and, in particular, may make regulation prescribing:

- (a) the nature of returns which employers and Principals of technical or vocational training institutions may, from time to time, be required to furnish to the Board and the period in which those returns shall be so furnished;
- (b) the establishment and maintenance of trade and occupation standards, including the holding of tests in respect of such trades and occupations to which the standard refer for the purpose of granting a certificate of proficiency to any person who passes such a test;
- (c) the circumstances in which both private and public technical or vocational training institutions approved by the Board may be required to establish such training standards and certification schemes as, in its opinion, may be necessary to ensure the effective instruction or training of person in industry;
- (d) all any matters which by this Act are required or permitted to be prescribed.

(2) The circumstances in which employers or technical or vocational training institutions approved by the Board, or both, may be required to establish or make use of such training schemes, as in its opinion, may be necessary for the training of persons for and in industry.

(3) Additional regulations may be made under the provisions of this Section in respect of employers or trainees or workers, or trades or occupations, and in the making of such regulations the Minister may apply any method of differentiation he deems advisable.

PART V: MISCELLANEOUS

16. (1) Any member of the Board or any public officer who discloses to any person, except for the purposes of the performance of his duties or in the exercise of his powers under this Act, any information in relation to the financial affairs, plant, equipment or working processes of any person, such information having been acquired in the performance of his duties or in the exercise of his powers under this Act shall be guilty of an offence.

Disclosure of information an offence

17. Any person who commits an offence under this Act in respect of which no penalty is specifically provided for shall be liable, on conviction, to a fine not exceeding five hundred Maloti or to imprisonment for a period not exceeding six months, or both. Penalties

18. The Director or any Technical and Vocational Training Officer may institute proceedings in respect of any offence under this Act or any regulation made thereunder and may appear and prosecute in such proceedings. Institution of Proceedings

19. The Industrial and Commercial Training Act, 1975 is hereby repealed. Repeal A. 31 of 1975