

CAN YOU CLAIM ABSORPTION OF APPRENTICESHIPS, INTERNSHIPS AND LEARNERSHIPS BASED ON THE INTENTION TO EMPLOY THE LEARNER, INTERN OR APPRENTICE?



Obtaining a B-BBEE certificate should not be a headache.

Measured entities often feel uncertain and overwhelmed because they don't know what to expect from the BEE verification process.

Knowing what will transpire and how they should prepare for it will most certainly make it easier to submit and, more importantly, to be prepared for the Broad-Based Black Economic Empowerment (B-BBEE) audit. This will ensure that the correct B-BBEE initiatives are highlighted, and scorecard points are awarded.

In the B-BBEE industry, we recently noticed a rising tendency where Training service providers claim that clients can earn absorption points under the skills development component of the B-BBEE scorecard for *Apprenticeships*, Internships and Learnerships based on an intention to employ the student full time, and that if the student declines the offer, the points would still be awarded.

In this article we look at the definition of “absorption” in the context of B-BBEE and at ways to prove absorption at the time of a *B-BBEE verification*.

What is “absorption” in the context of BEE compliance?

According to section 9(1) of the Codes of Good Practice, the definition of “absorption” is: A measure of the Measured Entity’s ability to successfully secure a long-term (permanent) contract of employment for the Employee, Learner, Intern or Apprentice, thus implying “a successful commencement of employment” and not an intention to employ.

Only after the successful completion of the Apprenticeships, Internships and Learnerships will the Learner, Intern or Apprentice become eligible for absorption. Once absorbed, the Measured Entity will be able to claim bonus points for absorption under the Skills Development element.

What is necessary to prove absorption at the BEE verification stage?

To be able to prove absorption at verification, the following documents should be presented for the relevant Learner, Intern or Apprentice:

- Certified ID copy;
- Apprenticeship, Internship or Learnership completion certificate or agreement;
- Permanent Employment Agreement after completion of the Apprenticeship, Internship or Learnership;
- First payslip after absorption as well as latest payslip.

What is the purpose of bonus points for absorbing learners?

The purpose of the bonus points for the absorption of a Learner, Intern or Apprentice is to give them access to the economy and to assist them in securing full-time employment on completion of the Apprenticeship, Internship or Learnership.

In conclusion

When considering whether to implement a certain programme or initiative for B-BBEE and more specifically skills development, it is important to bear in mind the intention and objectives of the B-BBEE Codes of Good Practice, and if you are planning to act in good faith.

We advise against claiming absorption points for the intention to absorb before SANAS or the DTI has issued a clarification note on the matter because of the risk that points will not be awarded at verification. The client may also drop a B-BBEE level if the absorption points were part of the initial B-BBEE planning. We encourage our clients and other businesses to *contact us* for specific guidance on the above matter.

SERR Synergy, in association with various SANAS-accredited agencies, provides a complete range of B-BBEE Verification Services. We have developed a sound and comprehensive verification methodology in order to simplify and rationalise the BEE audit process. We assist clients in the verification process step-by-step and our services include assistance with the issuing of an accredited BEE verification certificate by an accredited verification agent.

About the Author: Lizeri Bosch joined SERR Synergy in January 2022 as a B-BBEE Professional. She graduated from the North West University, Potchefstroom, and completed her BCom Law and LLB degrees. She was admitted as an Advocate in 2021.

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