

An Evaluation of the National Skills Development Act No. 97 of 1998 as Amended in 2008 (Act 37 of 2008) as a Tool Against Unemployment and Poverty Alleviation in the Republic of South Africa (RSA)

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Abstract: The National Skills Development Act, Act 97 of 1998, as amended in 2008 is part of the legislative chassis against unemployment, skills shortage and poverty caused by the legacy of apartheid in the Republic of South Africa. The policy chassis to counter these three problems include, but not limited to, the following: Reconstruction and Development Programme (RDP); Growth Employment and Redistribution Strategy (GEAR); Expanded Public Works Programme (EPWP); Accelerated and Shared Growth Initiative for South Africa (ASGISA); Growth New Path (GNP); and the National Development Plan (NDP). Notwithstanding the adoption of the Skills Development Act in 1998, skills shortage remains unabated. The unemployment rate, particularly amongst the youth, could be one of the indicators of skills shortage. This state of affairs brings into question, *inter alia*, the effectiveness of policies designed to alleviate poverty and unemployment, particularly where jobless citizens are recurrently dependent on the government's safety net to make a living. This set of circumstances prompted an evaluation of the National Skills Development Act, Act 97 of 1998 within the 'enabling' policy framework. A Social Welfare Policy Analysis Model by Segal (2012) was used to analyse the Act. The model's basic tenets are social issue/ social problem that gave rise to the policy, the goal of the policy or legislation, implementation of social welfare programme towards affected populations; and the intended and actual impact of the policy. The model confirms scientific and anecdotal evidence that poverty, unemployment and inequality are serious challenges in South Africa. Further than that, the provision of necessary skills for the South African market is still a problem. Sector Education and Training Authorities (SETAs) continue to invest huge sums of money to address the skills shortage with little visible results as the country continues to bleed jobs every day.

Keywords: Skills development, Skills Development Act, Skills shortage, Poverty alleviation, Unemployment

1. Introduction

South Africa is currently experiencing unprecedented levels of unemployment and poverty. The Skills Development Programme Act, Act 97 of 1998 (referred to as the Act hereafter), which gave rise to the Skills Development Programme (SDP), was adopted in 1998 to provide a safety net for the poor and unemployed. This Act was never evaluated since inception (Nhlabathi, 2016). This paper reports on the analysis undertaken upon such legislation and policy. The Skills Development Act, Act 97 of 1998 addresses perennial social problems such as skills shortage, unemployment and inequality. Since its launch, the policy was never analysed to verify its effectiveness, hence this analysis. To this end,

Segal's social welfare policy analysis model (2012) was used to analyse the Skills Development Act. It is evident that the Skills Development Programme was introduced in 2004 in the spirit of the Skills Development Act, but very little positive results have been observed ever since (De Lannoy, 2018). The aim of this paper is an evaluation of the Skills Development Act, Act 97 of 1998, as amended in 2008 (Act 37 of 2008), as an instrument to reduce unemployment and poverty relieve.

2. Theoretical Perspectives

This analysis is guided by the Social Welfare Policy Analysis Model (2012) and is underpinned by the Social Change Theory, which clearly stipulates that

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societies evolve in a progressive and linear fashion. The theory of Social Change has an important influence on the modern-day concept of social development. The point of departure of this theory is the promotion of social development, social welfare and social wellbeing (Chavalala, 2016). The tenets of the Social Welfare Policy Analysis Model is the social issue/social problem that gave rise to the policy, goals of the policy or legislation; implementation of social welfare programme towards affected population; and intended and actual impact of the policy. Segal (2012) postulates that this model is linear in nature. Here follows a brief exposition of the tenets of the model.

2.1 Social Problem that Gave Rise to the Policy

Policies are formulated in response to social problems. Michalilakis and Schirmer (2014) as well as Barretti (2016) view social problems as issues confronting communities and that could be resolved or remedied. The goal of the legislation as per section 2 (1)(a) of the Act is to build skills base of South Africans in order to enable them to compete in the economy. According to section 2 (1)(a), the Act has been implemented to enhance the competence of the South African workforce.

2.2 Intended Impact of the Policy

The intended impact of the legislation is to produce a mass of well-skilled South Africans by building a skills base (Reddy, Bhorat, Powell, Visser & Arends, 2017). The purpose of the Act, as clearly stipulated in section 2 (1)(e), is to empower South Africans, especially the black majority to improve the employment capacity of people previously denied employment opportunity; and to assist those unfortunate through training and education. The researchers' understanding of the actual impact of the legislation is the influence/difference made by the Act in the country since its inception. The actual impact of the Act will be discussed in detail under findings.

3. Methodological Approach

The study is conceptual in nature and adopted the qualitative research approach. A conceptual study is looking at the concepts, assumptions, expectations, beliefs and theories as well as the relationships among them (Tamene, 2016). The research followed a case study design conducted through evaluating

reports. Evaluating reports is about reviewing documents – both printed and electronic materials (Cardno, 2018). Evaluation of reports is based on assessed data that needs close scrutiny in order to obtain meaning, make sense and develop verifiable knowledge (Cardno, Rosales-Anderson & McDonald, 2017).

3.1 Sampling

The study was a desktop research conducted largely by assessing and studying existing documents; it followed purposive sampling due to the fact that the Skills Development Act, Act 97 of 1998, as amended in 2008, is the main unit of analysis, and therefore was used as the primary source of data. Population was not relevant.

3.2 Data Collection

This study was non-empirical in nature. The sources of data included an extensive literature study on skills development legislative chassis and (personal) observations (Jamshed, 2014). This allowed the researchers to gather sufficient data in this regard.

3.3 Data Analysis

The Social Welfare Policy Analysis model by Segal (2012) was used to analyse the Skill Development Act. Such analysis was guided by the following tenets of the model: social issue/problem, reason for enacting the policy, goals of the policy or legislation; implementation of social welfare programme towards affected population; and intended and actual impact of the policy.

4. Results and Discussion

The presentation of findings was done according to the Social Welfare Policy Analysis Model. Segal (2012) points out that this model is linear in nature, which means that it is sequential – each stage builds on the previous one. The point of departure of the model is to reflect on the social issue/ social problem that gave rise to the policy. This is followed by the other critical steps.

4.1 Social Problem/Social Issue that Gave Rise to the Policy

The Act, emanated from policy development process identifying a huge problem (social issue) which

affected nearly everybody in the whole country, and specifically, the black majority. The biggest social issue identified is lack of the necessary skills by the country's citizens to compete in the labour market. South Africa is engaged in a relentless battle against unemployment, crime, inequality, maladministration, inefficiency and corruption, as well as a housing backlog (Reddy *et al.*, 2017; Webster, 2019), granted that the country became a democratic state in 1994. Despite this achievement, the country still experiences the reality of high unemployment, inequality, poverty and discrimination (Van der Westhuizen & Swart, 2015; World Bank).

4.2 Aim of the Policy or Legislation

The aim of this Act is to amplify core competencies of the citizens of South Africa in order to increase expenditure in education and training in the labour market and to economies of scale on expended results; to encourage places of employment as loci of lifelong learning (Skills Development Act, Act 97 of 1998, section 2 (1)(a-h)). In an attempt to fight against skills shortages and low educational levels, South African government initiated legislation and policy to reduce poverty and unemployment by building a skilled workforce.

4.3 Implementation of Social Welfare Programme towards Affected Population

The National Skills Development Act is the most basic guiding Act in the implementation of skills development. The implementation could not be successful without the involvement of the Department of Labour (DOL). DOL takes care of policy and labour law development to regulate the South African labour market. A team of labour inspectors is responsible for overseeing labour laws (Bignami, Casale & Fasani, 2013). The Act was proclaimed to account for national, sector and workplace strategies to reduce unemployment, skills shortage and poverty. The DOL took the initiative and monitors workplace programmes, which are delivered largely through the Sector Education and Training Authorities (Reddy *et al.*, 2017). The implementation of the Act could not take place without the participation of the following actors:

4.3.1 Department of Social Development (DSD)

The DSD is responsible to provide comprehensive, integrated and sustainable social development service to the needy (South Africa Yearbook, 2015/16; DSD Annual Performance Plan, 2019-2020). The

potentials of communities to obtain sustainable livelihoods and household food security is intensified (South Africa Yearbook, 2015/16; DSD Annual Performance Plan, 2019-2020). DSD facilitates and empowers communities to be developmental in order to sustain themselves. In this regard, an Asset Based Community Development (ABCD) approach is used to sustain communities. This approach is guided by community strengths and potentials of making use of available resources, experience and skills to generate income (Chinyorwa, Sirayi & Mokuku, 2016).

In ensuring that the objectives of the Act are carried out to persuade employers to use the workplace as an active learning environment, and to facilitate opportunities for employees to acquire new skills as per Skills Development Act of 1998, two processes are followed by DSD. "*Those processes are performed both internally and externally. The internal one is about the provision of training in the workplace to capacitate the employees with the necessary skills to perform their duties. One of the tools used to facilitate learning in the workplace include bursaries. Employees are encouraged to further their studies and develop themselves. At the same time, the employees have a budget for personal development every year to attend short courses. The external process includes internships. Graduated community members are provided with the work experience. Internships are tenable at provincial departments, institutions of higher learning, civil society organisations (CSOs) and shelters. In the fulfilment of this mandate, the department has shelters for the protection of survivors of domestic violence and human trafficking*" (Van der Westhuizen, pers comm., 2020-02-19).

Shelters that accommodate survivors of domestic violence have also adopted the SDP. In these shelters, the programme empowers survivors of domestic violence to compete in the labour market and to be financially self-reliant (Levendale, 2017; Watson & Lopes, 2017). The Skills Development Programmes are presented for a period of six months in shelters (Watson & Lopes, 2017). All shelters for domestic violence expect survivors to be well-equipped with learned skills and be ready to function independently after exiting the programme.

The provision of SDP in the shelters is a response to the reality that majority of women are without skills to compete in the market, hence their financial dependence on their abusive partners (Shepherd, 2017; Moloko-Phiri, Mogale & Hugo, 2017). The provision of this service is the confirmation that

social development and economic issues cannot be separated (Kring, 2017).

Despite the provision of the SDP, it is evident that the level of skills training provided does not conform to the skills shortage in the economy, sometimes due to limited time (Kring, 2017). The researchers' observation is that it is difficult for survivors to own the programme because the time to learn the skill is limited. On the other hand, the learned skill is not accredited as there is no SETA linked to the programme. The majority of women still find themselves financially dependent. This contributes to their vulnerability and admissions in the shelters (Watson & Lopes, 2017). The researchers are of the view that the kitchen continues to be women's occupation for their unpaid work even after their discharge from the shelters.

4.3.2 Sector Education and Training Authorities (SETAs)

SETAs facilitate the learnership programme as per chapter four (4) of the Act. Section 10 (1)(a)(b)(iv) states that SETAs are facilitating the development of a sector skills plan within the system of the national skills development strategy as well as ensuring compliance in the sector. The researchers' observation is that different SETAs contribute financially towards the skills development, but the impact of the contribution is like a drop in the ocean. This observation was confirmed by Stats SA (2018) that SETAs invest huge sums of money to address skills shortage but the results are not visible. Instead, the country continues to face ongoing retrenchments. The worst part is that there is no SETA to accredit the training provided in the shelters. The researchers observed that training in the shelters is provided by non-professional unaccredited skills development facilitators. This observation is confirmed by Watson and Lopes (2017), who argue that the skills programme in the shelters is not properly resourced.

4.3.3 Department of Employment and Labour (DEL)

The Act was proclaimed through the Department of Labour (DOL) as previously highlighted. The DOL is managing workplace skills programmes facilitated through the SETAs (Reddy *et al.*, 2017). According to the President, the focus of the Department of Labour is changing to DEL to demonstrate that the country is on a journey of creating jobs (Webster, 2019). The Department should shift its focus from checking compliance with labour laws so that it drives employment down (Webster, 2019).

4.3.4 Department of Education (DOE)

Women are still in the majority of those who are not benefitting from the skills development (Reddy *et al.*, 2017; DHET, 2017). The poor level of education among women limits their participation in the market as the majority of them only have a grade 12 qualification (Maila & Ross, 2018). Worse still, Molefe (2019) is of the view that the majority of women in the shelters are without matric, hence the provision of skills development and adult basic education and training (ABET). The researchers' understanding of the impact of the apartheid system is that it did not only have a negative effect on black South Africans at large, but also on women.

Since 1994 to 2009, the Department of Education (DOE) has overseen higher and technical vocational education delivered through universities and further education and training (FET) colleges. In ensuring the implementation of the Act, all skills related functions associated with the National Skills Development Strategy (NSDS), the SETAs, the National Skills Fund (NSF), the National Student Financial Aid Scheme (NSFAS), the National Qualifications Framework (NQF) and the South African Qualifications Authority (SAQA) were transferred from the DOL to the Department of Higher Education and Training (DHET) (Reddy *et al.*, 2017).

4.4 Intended Impact of the Policy or Legislation

The intended impact of the legislation is to ensure that South Africans are strengthened with the necessary economic skills. The researchers posit that participation of South Africans in the market will be an indication that the intended impact of poverty reduction is achieved. Thus the socio-economic wellbeing for the previously disadvantaged group will also be promoted (Meiring, Kannemeyer & Potgieter, 2018). The positive impact will be seen when the workplace also serves as a learning environment in providing employees with the opportunity to acquire new skills (Frost, 2019).

Basically, the intention of the Act was skills creation, reduced unemployment and poverty reduction. These objectives would have been achieved if international competitiveness, a better education system and increased economic growth were realised. Despite these huge efforts, high unemployment and other highlighted issues remain the key challenge in the Republic of South Africa (Van der Westhuizen & Swart, 2015). The country struggles to generate sufficient jobs (Reddy *et al.*, 2017; DHET, 2017).

4.5 The Actual Impact of the Policy or Legislation

Stats SA (2020) reports that in the fourth quarter of 2019, South Africa's unemployment rate remained the same at 29.1%, and that women were more keen than men to be involved in charitable activities. The sustained depressed economic growth trajectory facing South Africa has constrained the country's capacity to generate jobs to significantly reduce unemployment (DHET, 2017).

Skills development in the country explicitly targets vulnerable groups (DHET, 2017; Graham, De Lannoy, Rosa & Breakey, 2019; ILO, 2019) such as youth exiting formal schooling; school dropouts and those not in employment, education and training (NEET); informal workers; adult workers and job seekers; women; people with different abilities; rural communities; minority groups, including blacks (Reddy *et al.*, 2017; Graham *et al.*, 2019; Barford & Coombe, 2019).

The above mentioned finding is confirmed by Stats SA (2019), which asserts that in the second quarter, unemployment rate rose to 29%. This finding has been confirmed as the highest since "The Great Recession". Stats SA (2019) further points out that job seekers rate increased by 0,1 of a percentage point to 29,1% in the Q3 of 2019.

Cassim and Oosthuizen (2014) point out that a number of skills and training programmes have been facilitated by various publicly funded technical and vocational education and training colleges. The purpose was to facilitate entry into the labour market. The unfortunate situation is observed when these technical and vocational institutions FET are unable to increase capacity and provide the kind of training required by the economy (Cassim & Oosthuizen, 2014; Sheoraj, 2015). It is further said that TVET institutions impart job-focussed curricula, but these programmes do not necessarily satisfy skills such as completing a school qualification or training in a particular non-vocational skill (Sheoraj, 2015). It is a fact that TVET institutions are inaccessible geographically and financially, as there is the possibility of less financial injection that it is the case with universities (Land & Aithison, 2017). Furthermore, relationship between TVET institutions and employers are weak (Stander, 2017). This is demonstrated by the drop in apprenticeships offered in recent years (Cassim & Oosthuizen, 2014; Mgijima, 2014). On the other hand, Garraway, Bronkhorst and Wickham (2015) declare that the success rate in FET colleges is extremely low.

The fact that the relationship between TVET institutions and employers is weak makes it difficult for the Act to achieve its purpose. An ideal situation as emphasised by Frost (2019) is the importance of work-based experience which serves as a good foundation of skills development irrespective of relationship issues between the workplace and institutions. Tshele and Agumba (2014) report that the main reason for South Africa's poor development of human resources is because of the legacy of black citizens' unavailability of access to basic education. It has been acknowledged by Mkhonza and Letsoalo (2017) that government and employers acknowledge the role that a skilled and knowledgeable labour can play in securing competitive advantage in the labour market. At the same time, the researchers are of the view that this recognition of the positive impact which a skilled and knowledgeable workforce can play in the labour market promotes a liberal system which the country is functioning under. An element of competition is promoted and enhanced through skilled development.

The actual impact of the Act as far as economic performance is concerned is low economic growth (Ausker & Rothman, 2015; DHE, 2019), which leads to poor (or no) employment growth. A poor economy characterised by a destroyed primary sector and a non-performing manufacturing sector is a problem (Ausker & Rothman, 2015; Reddy *et al.*, 2017). Enough workplace learning opportunities for individuals who need to complete their occupational qualifications are not present (Ausker & Rothman, 2015; DHET, 2019). The researchers' observation is that gender inequality in RSA is one of the greatest barriers to human development (Bonini, 2017). Patriarchy is still evident in the power that men and women exercise at home, in the workplace or in politics. Girls and women have made progress since 1990, but they are not yet equal to men. The unfortunate situation facing women and girls are a major source of inequality (ILO, 2019). At home, women do more than three times voluntary care work as men (ILO, 2019; Human Development Report, 2019). Although in many countries women and men vote equally in elections, patriarchy often fosters behaviour that perpetuates such inequalities (Human Development Report, 2019).

It is a fact that women and girls are treated differently in health, education, political representation and labour market – with negative implications for the development of their potentials and their

freedom of choice (Human Development Report, 2019). Focusing on inequalities may be possible, but a challenge to deal with. It needs pointing out which inequalities are important to the advancement of human development and better comprehension of patterns of inequality and what drives them (Human Development Report, 2019).

One of the challenges in the implementation of the Act is the effective management of the implementation system (Clinton, Ayodeji & Denzel, 2015). There are a number of actors in the implementation of the Act, but co-ordination, management, monitoring and evaluation is problematic. The researchers' view in this regard is that monitoring and evaluation of the Act must be strengthened. The DOL should go back to the drawing board and evaluate if this Act creates the conducive environment that it is supposed to do.

5. Conclusion and Recommendations

The literature's review, as well as the researchers' observations, indicates that the implementation of the legislative framework did not achieve the intended results.

South Africa remains the highest in the world considering the level of earning and wealth distribution, with many families being unable to access education, healthcare and clean water. What is critical is to escalate welfare for the marginalised communities. Training has been found to be a lacking pillar (especially in the shelters) to assist beneficiaries to learn the necessary skills and be self-reliant. As a result, beneficiaries become dependent and go back to poverty. The literature also points out that job creation is important to secure an income for disadvantaged groups and that this maps the way out from poverty.

The labour market remains characterised by shortage of work opportunities due to contradicting economy, while racial and gender disparities also remain predominant. Group affiliation is still a criterion for employability, as well as wages earned upon employment, while females face more challenges to find a job compared to males. The number of work-seekers who lost interest increased by 62 000, and those who were not participating in the labour market for reasons more than discouragement increased by 45 000, resulting in a net increase of 107 000 in the number of those who were not participating in the economy. Jobs in the informal

sector declined by 77 000. The researchers maintain that despite the implementation of Act No. 9 of 2018: the National Minimum Wage Act, 2018, unemployment, poverty and high levels of inequality are indicators that the country is still functioning under the bondage of capitalism and not democracy. In support of this statement, Ntjana (2014), Reddy *et al.* (2017), The World Bank (2018) and Webster (2019) assert that in a democratic South Africa, poverty is still a big problem facilitated by high levels of inability to work. Despite the implementation of the Act, South African citizens (the majority) were and are still going through high levels of destitution, imbalance and lack of employment. Given the challenges in the implementation of the Act, as amended in 2008 (Act 37 of 2008), the following recommendations were made:

- A national study to evaluate the effectiveness of the Skills Development Act, Act 97 of 1998 as amended in 2008 is critical to identify gaps, good practice and other necessary information related to the Act.
- Skills development in the shelters should involve relevant SETAs.
- There is a need for greater involvement and communication with the business sector.
- The approach to poverty alleviation should be developmental and not promote dependency.

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