



# TRAINING LAYOFF PROCESS AGREEMENT

**Commissioner:** \_\_\_\_\_

**Case No.:** \_\_\_\_\_

**Date of Agreement:** \_\_\_\_\_

**In the matter between:**

\_\_\_\_\_ (Union / Employees)

and

\_\_\_\_\_ (Employer)

1. The parties agree to explore the option of participating in the Training Layoff Scheme as an alternative to retrenchment by concluding a Training Layoff Agreement.
2. It is recorded that the parties are engaged in –
  - (a) a facilitation in terms of section 189A of the Labour Relations Act, No 66 of 1995 (the LRA);
  - (b) a conciliation in respect of an unfair dismissal (operational requirements) dispute;
  - (c) a conciliation in respect of any other dispute.  
(Delete whichever are not applicable.)
3. The parties agree that while a training layoff request is being processed, the conciliation / facilitation is suspended in respect of the affected employees. If the agreement is not concluded or when the parties are notified that a concluded agreement is not authorized, the facilitation or conciliation will continue for .....days.

4. If the dispute was referred to the CCMA as an unfair dismissal dispute, it is agreed that the dismissed employee(s) will be reinstated with effect from the commencement of the Training Layoff, unless an earlier date is agreed. (Delete if not applicable)

5. The parties agree to submit information contained in Annexure A to the CCMA regional office for the purpose of evaluating their eligibility for participation in the Training Layoff Scheme.

**[Any additional terms should be recorded in writing, signed by the parties and attached as Annexure B.]**

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
For the employer

\_\_\_\_\_  
For the employee(s) / union

**Annexure A**

**PLEASE PROVIDE THE FOLLOWING INFORMATION:**

- 1. How many employees does the employer employ? \_\_\_\_\_
- 2. How many employees has the employer dismissed for operational requirements in the past 12 months? \_\_\_\_\_

3. If short-time has been implemented, provide details:

- Date short-time commenced: \_\_\_\_\_
- Number of employees placed on short-time: \_\_\_\_\_
- Number of days of short-time per week \_\_\_\_\_  
(If insufficient space, provide full details on a separate page)

4. How many employees are likely to be placed on the Training Layoff? \_\_\_\_\_

5. How long is the training layoff expected to last? \_\_\_\_\_  
(Maximum period is 3 months)

6. Summarise the facts that indicate that the business is in distress as a result of economic crisis:

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7. Motivate why participation in the Training Layoff Scheme could assist the business in the short term.

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8. In order to evaluate whether the business is eligible to participate in the Training Layoff Scheme, sufficient information should be provided to demonstrate that the business is in distress, which may include:

- Audited annual financial statements (most recent, if applicable)
- Management accounts (most recent)
- Bank statements (last six months)
- VAT returns (last six returns)
- Inventory (most recent)
- Debtors and creditors age analysis (most recent)
- Six (6) months cashflow forecast
- Any other

9. The relevant SETA is \_\_\_\_\_.

10. What is your Skills Development Levy number (if applicable)?

\_\_\_\_\_

11. The following training is being considered:

\_\_\_\_\_

\_\_\_\_\_

12. The following categories of employees are likely to be affected:

\_\_\_\_\_

\_\_\_\_\_

**CONFIRMATION OF THE ABOVE DETAILS:**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_