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## *Individual Highlights:*

- *The closing date for submitting workplace skills plans and annual training reports is fast approaching.*
- *Employers have until 30 June 2009 to submit their WSP and ATR reports*
- *Even though the act requires that consultation must have taken place and not that consensus is required, it is in the spirit of the WSP and ATR principles for such consensus to be reached.*
- *If by now you have not yet started the process of completing your WSP and ATR it is important that you commence with the*

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## Workplace Skills Plan, Annual Training Report, only 2 months left

The closing date for submitting workplace skills plans and annual training reports is fast approaching. The Skills Development Act requires that all employers that wishes to qualify for a Mandatory Grant and/or access a SETA's discretionary grant funds MUST submit a Workplace Skills Plan (WSP) for the coming year (in this case 1 March 2009 to 28 February 2010) and submit an Annual Training Report (ATR) for the previous period (1 March 2007 to 29 February 2008).

Even though 2 months may seem a long time it should be kept in mind that a number of criteria MUST be complied with in order to complete the WSP and ATR. The criteria require, amongst others, that consultation with employees on the WSP and ATR must have taken place and that clear evidence of such consultation is required.

Even though the act requires that consultation must have taken place and not that consensus is required, it is in the spirit of the WSP and ATR principles for such consensus to be reached. The evidence is usually in the form of signatures required by employers and committee members (or a representative) on the WSP and ATR, but it is critical that attendance registers together with minutes of consultation meetings be kept so that it can be produced as evidence of consultation if required.

It is important to note that where more than 50 persons are employed by an organisation such organisation should establish a skills development committee. This committee should be balanced (no category should be over represented at the cost of another) and it should be representative of the categories of employees.

The consultation process can potentially cause significant delays and it is often difficult to get employees and employers to reach consensus on the WSP or to agree on the accuracy of the ATR.

Also, be aware that different SETAs have different templates, criteria and rules for completing and submitting WSPs and ATRs, so please contact your SETA to obtain a copy of the template and rules that apply to your organisation.

If by now you have not yet started the process of completing your WSP and ATR it is important that you commence with the process without delay. It is an important process and organisations stand to lose a significant amount of money if they were to forfeit their mandatory grant.

*Please feel free to call us directly if you need any further information or assistance.*

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Article by: Butch Roos





### Individual Highlights:

- *An employer can get back 50% or more of the levies they paid to SARS from their SETA.*
- *The SETAs then pay grants to employers who appoint a Skills Development Facilitator and submit a WSP and ATR within the given time and that meets the criteria set by the SETA*
- *The National Skills Fund (NSF) funds skills development projects that don't fall under the SETAs and that are considered to be in national interest*

**Get your Skills grants paid to you. Don't allow your Rands to go to waste!**

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## What happens to my skills levy?

The Skills Development approach in South Africa aims to provide a framework for developing and implementing sector and workplace strategies to improve workers' skills.

Part of the strategy is the Skills Development Levy, which is an amount of money that employers have to pay to SARS for skills development of their employees.

The levies paid to SARS are put in a special fund and 80% of the money from this fund is distributed to the different Sector Training and Education Authorities (SETAs) and the remaining 20% is transferred to the National Skills Fund. The SETAs pay grants to employers who appoint a Skills Development Facilitator for employee training and submit a WSP and ATR. The National Skills Fund funds skills-development projects that don't fall under the auspices of SETAs.

An employer can get back 50% or more of the levies they paid to SARS from the SETA or the National Skills Fund to use on training and developing their own employees' skills.

The National Skills Authority reviews and monitors the implementation of the National Skills Development Strategy

### What do employers have to pay?

A compulsory skills-development levy was introduced on 1 April 2000, payable by employers who are registered with the South African Revenue Service (SARS) for employees' tax purposes, or by employers with an annual payroll in excess of R250 000. The

R250 000 threshold was subsequently increased to R500 000.

The levy rate is 1% of the total payroll, including leave pay, bonuses and overtime. The collection of the funds is administered by SARS.

### How are the funds disbursed?

The levies paid to SARS are put in a special fund. 80% of the money from this fund is distributed to the different SETAs and the other 20% is paid into the National Skills Fund. The SETAs then pay grants to employers who appoint a Skills Development Facilitator and submit a WSP and ATR within the given time and that meets the criteria set by the SETA

### What is the National Skills Fund?

The National Skills Fund (NSF) funds skills development projects that don't fall under the SETAs and that are considered to be in the national interest.

The National Skills Fund is administered by the department of labour. It is made up of 20% of the total skills levy paid by employers and is used to address significant national skills priorities.

Funds are allocated through a range of funding windows. The National Skills Authority provides advice on each window and the criteria to be used to determine the allocation of funds.

The principal funding windows deal with strategic projects, social development initiatives, innovation and research, and a bursary programme to support

students to study in areas of scarce skills.

### What do SETAs do with the funds?

Of the original amount collected from levies 80% is disbursed to the SETAs. SETAs may use the equivalent of 10% of the original amount collected for the administration of the SETA. This excludes funds for the disbursement of grants to employers.

SETAs will transfer the equivalent of 50% of the amount collected to a fund dedicated to the distribution of mandatory grants, i.e. money that must be returned to employers should they meet certain conditions whilst 20% goes into a fund dedicated to the distribution of discretionary grants, i.e. grants which are dedicated to supporting specific programmes which the SETA considers to be in the best interest of the sector.

It is clear that employers can recoup a significant amount of money from the SETA. In fact, it is theoretically possible for employers to get more back than what they originally paid as levies by effectively participating in the discretionary grants allocated by SETAs.

*For more information or assistance with claiming your grants please contact Isoglo at:*

*+27 (0)12 811 2333 or by e-mail [info@isoglo.com](mailto:info@isoglo.com).*

Article by: Butch Roos



## Upgrading to ISO 9001:2008?

### What should be done?

#### Individual Highlights:

- The changes are not significant and with the right consultant changing your system should take only a few days.
- The new standard is now more than 4 months old and the teething problems have been resolved.
- The National Skills Fund (NSF) funds skills development projects that don't fall under the SETAs and that are considered to be in national interest
- A verification of the upgraded elements of your ISO 9001:2008 system will be done as part of your next integrated audit.



Managing an organisation effectively cannot be bought. These systems will assist you to do the right things right and at the right time BUT it remains imperative that every employee commits him or herself to make the system work.

“A number of recognized and pre developed systems that formalize the implementation and application of such standards are available for organisations.”

When ISO 9001:2000 saw the light Management Representatives, Consultants and Auditors had to put on their thinking caps to ensure that the changes introduced were understood, implemented correctly and can be verified at the next external audit. It was, however, a big improvement over the previous 1994 version and was welcomed by organisations world wide.

In 2008 the next expected update appeared, introducing only a few minor changes. For starters we now have to determine our processes instead of identifying them.

The most interesting and useful change concerns clause 8.2.3 Monitoring and Measurement of Processes. In most cases it is fairly easy to implement this clause. Having determined the processes one should distinguish between the core processes (i.e. those directly concerned with the scope of the operation) and administrative processes (those supporting core processes). Core processes include the planning and execution of the product or service being offered and administrative processes include internal audits, management review, analysis of data and incident reporting amongst others.

The monitoring and measurement of these processes are done most effectively during management meetings. Take a process and merely discuss the effectiveness of that process in achieving its objective. However, beware of the short cut and the comment mostly noted, “Process working well, no action required”.

The 2008 version gives a guide to ensure that this clause is addressed more effectively. It states that when monitoring and measuring processes, the following should now be taken into account:

*“When determining suitable methods, the organisation consider the type and extent of monitoring or measurement appropriate to each of its processes in relation to their impact on the conformity to product requirements and on the effectiveness of the quality management system”*

To address it effectively, the meeting should therefore discuss the following:

- Impact of the process on the Quality Management System;
- Impact of the process on product and service conformity;
- Type of monitoring and measurement to be implemented.

A process is not merely a process. A process is a set of activities that if performed correctly, contributes positively to customer satisfaction and overall improvement. The opposite is also true and should be avoided at all costs.

One can expect that this change introduced in the 2008 version will be under the spotlight during external auditing and more attention should be paid to the implementation of clause 8.2.3.

Please feel free to contact us should you require assistance with upgrading to ISO 9001:2008. Our early bird specials will make it cost effective for you.

The table that follows reflects on the differences between ISO 9001:2000 and ISO 9001:2008. Changes are minor and upgrades should be quick, easy and low cost.

*For more information please contact Isoglo at: +27 (0)12 811 2333 or by e-mail info@isoglo.com.*

By: Jacques Marais



**Do you still have ISO 9001:2000?**

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## ISO 9001:2008 Upgrade Table (Based on FDIS)

Auditors must report evidence against the clauses highlighted with “**R**” in the table to confirm the upgrade.

Clause	Change	Comments
4.1	Para 2, section a updated; now reads <i>determine</i> the processes needed...	<i>Determine</i> implies that the process must be managed effectively and not simply identified
4.1	Para 2, section e updated: ... monitor, measure ( <i>where applicable</i> ), and analyse...	Added caveat to ensure appropriately applied
<b>R</b> 4.1	Para 4 updated: ... that affects product conformity to requirements; the organisation shall ensure control over such processes. <i>The type and extent of control to be applied to these outsourced processes shall be defined within the quality management system.</i>	Reinforces awareness of the responsibility of the organisation for achieving process/product conformity
4.1	Note 1 updated: ... product realisation and measurement, <i>analysis and improvement.</i>	
<b>R</b> 4.1	Note 2 added: An outsourced process is identified as one needed for the organisation’s quality management system but chosen to be performed by a party external to the organisation.	Provides clarity on what should be considered as an outsourced process. Organisations should evaluate what processes are considered outsourced
<b>R</b> 4.1	Note 3 added; Ensuring control over outsourced processes does not absolve the organisation of the responsibility of conformity to all customer, statutory and regulatory requirements. The type and extent of control to be applied to the outsourced process can be influenced by factors such as, a) potential impact of the outsourced process on the organizations capability to provide product that conforms to requirements, b) the degree to which the control for the process is shared, c) the capability of achieving the necessary control through the application of clause 7.4	Reinforces responsibility of the organisation and provides clarity on factors that would influence the type and nature of controls required.
4.2.1	Section C updated: documented procedures <i>and records</i> required by this international standard.	
4.2.1	Section D updated: documents <i>including records determined</i> by the organisation <i>to be necessary</i> to ensure the effective planning. Operation and control of its processes...	
4.2.1	Section E: now removed	
4.2.1	Note 1- sentence added: <i>A single document may address the requirements for one or more procedures. A requirement for a documented procedure may be covered by more than one document</i>	Confirms that a single procedure can be used to cover more than 1 requirement, or that a single requirement can be covered through a number of procedures.
4.2.3	Section f updated: documents of external origin <i>determined by the organisation to be necessary for the planning and operation of the quality management system</i> are identified...	Wording clarifies scope of the control of external documents to those necessary for the planning and operation of the QMS
4.2.4	Para 1 updated: Records established to provide evidence of conformity to requirements and of the effective operation of the quality management system <i>shall be controlled. The organisation shall establish</i> a documented procedure to define the controls... <i>Records shall remain legible, readily identifiable and retrievable.</i>	



Clause	Change	Comments
5.5.2 <b>R</b>	Para 1 updated; Top management shall appoint a member of <i>the organisation's</i> management...	Management representative must be a part of management of the organisation. They need to have the authority and responsibility to ensure that adequate resources are dedicated to the quality function. This responsibility must be clearly defined in job descriptions, organisation charts etc. This does not mean that QA duties of the Management representative cannot be allocated to other staff or an external consultant
6.2.1 <b>R</b>	Para 1 updated: Personnel performing work affecting <i>conformity to product requirements</i> shall be competent... Note added; <i>Conformity to product requirements can be affected directly or indirectly by personnel performing any task within the quality management system.</i>	Additional emphasis to ensure there is conformity to product/service requirements
6.2.2.	Title changed to : Competence, training and awareness	
6.2.2.	Section A updated; determine the necessary competence for personnel performing work affecting <i>conformity</i> to product quality requirements, Section B updated: <i>where applicable</i> , provide training or take other actions to achieve <i>the necessary competence</i> .	Greater focus on the relationship between product conformity and competence. Thereby helping to achieve product integrity.
6.3	Section C updated: supporting services (such as transport, communication or <i>information systems</i> ).	Added examples to ensure that applicable supporting functions have been considered
6.4 <b>R</b>	Note added: <i>The term "work environment" relates to conditions under which work is performed including physical, environmental and other factors (such as noise, temperature, humidity, lighting, or weather).</i>	Organisation should ensure that all applicable condition have been considered
7.1	Section B updated: the need to establish processes and documents, and to provide resources specific to the product; Section C updated: required verification, validation, monitoring, <i>measurement</i> , inspection and test activities...	
7.2.1	Section C updated: statutory and regulatory requirements <i>applicable</i> to the product...	
7,2.1	Section D updated: any additional requirements <i>considered necessary</i> by the organisation	
7.2.1 <b>R</b>	New note: <i>Post delivery activities include, for example, actions under warranty provisions contractual obligations such as maintenance services and supplementary services such as recycling or final disposal.</i>	Note provides examples of post delivery activities to emphasis product life cycle requirements.
7.3.1	New note: <i>Design and development review, verification and validation have distinct purposes. They can be conducted and recorded separately or in any combination, as suitable for the product and the organization.</i>	Provides some flexibility on how these requirements can be achieved. Organisations should ensure that the distinct requirements are met even if conducted consecutively
7.3.2	Para 2 updated: <i>The</i> inputs shall be reviewed for adequacy	
7.3.3	New note: <i>Information for production and service provision can include details for the preservation of product.</i>	Organisation should ensure that they have considered preservation of product, labeling, packaging etc as part of the design process
7.5.1	Section D updated: ... the availability and use of monitoring and measuring <i>equipment</i>	Term equipment used as definition of equipment includes devices
7.5.1	Section F updated: the implementation of <i>product</i> release, delivery and post-delivery activities	



Clause	Change	Comments
7.5.2	Para 1 updated: output cannot be verified by subsequent monitoring or measurement <i>and, as a consequence</i> , deficiencies become apparent only after the product is in use	
7.5.3	Para 2 updated: .monitoring and measurement requirements <i>throughout product realisation</i>	Wording added to clarify that product and ID is maintained throughout the product realisation process
7.5.3	Para 3 updated: shall control the unique identification of the product <i>and maintain records (see 4.2.4)</i>	Changed from controlling the identifier to ensuring that records of traceability are maintained to align with control of records
7.5.4 <b>R</b>	<i>Para 1, part 3 updated: If any customer property is lost, damaged or otherwise found to be unsuitable for use, the organisation shall report this to the customer and maintain records (see 4.2.4)</i> Note updated: Customer property can include intellectual property <i>and personal data</i>	Note provides example of personal data as key example of a type of customer property that should also be considered as part of this clause.
7.5.5	<i>Para 1 updated; during internal processing and delivery to the intended destination in order to maintain conformity to requirements. As applicable, preservation shall identify, handling ...</i>	“As applicable” implies that it should depend on the type of product/service provided
7.6	Title changed: Control of monitoring and measuring <i>equipment</i>	
7.6	Para 1 updated: ... determine the monitoring and measurement to be undertaken and monitoring and measuring <i>equipment</i> needed to provide evidence...	
7.6	Section A updated: be calibrated or verified, <i>or both</i> , at specified intervals...	Provides clarification that a calibration status identification may not be physically on equipment
7.6	Section C updated: <i>have identification in order to determine its calibration status.</i>	Provides clarification that a calibration status identification may not be physically on equipment
7.6	<i>Para 4, part 3 now rewritten as para 5</i>	
7.6	Note added: <i>Confirmation of the ability of computer software to satisfy the intended application would typical include its verification and configuration management to maintain its suitability for use.</i>	Clarifies that software used for measuring and monitoring may not be subject to traditional calibration but may be focused on verification and configuration management
8.1	Section A updated: ...conformity to <i>product requirements</i>	Emphasis on product integrity, consistent with remainder of standard
8.2.1	Note added: <i>Monitoring customer perception can include obtaining input from sources such as customer satisfaction surveys, customer data on delivered product quality, user opinion surveys, lost business analysis, compliments, warranty claims, dealer reports.</i>	Note provides additional examples of methods to determine customer perception and satisfaction, beyond a customer survey
8.2.2	New Para 2: <i>A documented procedure shall be established to define the responsibilities and requirements for planning and conducting audits, establishing records and reporting results.</i>	Sections separated to ensure clear separation of requirements to have a documented procedure and requirement to maintaining records
8.2.2	Para 3 amended: Now only reads, <i>Records of the audits and their results shall be maintained (see 4.2.4)</i>	
8.2.2	Para 4 amended: being audited shall ensure that <i>any necessary corrections and corrective actions</i> are taken without undue delay...	Added clarification to explain correction (immediate) and corrective (long term prevention). Both essential parts of an effective system
8.2.2	Note amended: Now only reads, See ;SO 79077 <i>for guidance.</i>	
8.2.3 <b>R</b>	Para 1, sentence 3 amended: <i>Now reads, When planned results are not achieved, correction and corrective action shall be taken, as appropriate.</i>	



Clause	Change	Comments
8.2.3	Note added: <i>When determining suitable methods, it is advisable that the organisation consider the type and extent of monitoring or measurement appropriate to each of its processes in relation to their impact on the conformity to product requirements and on the effectiveness of the quality management system</i>	Organizations should consider; - processes key to product conformity or management system effectiveness the potential impact a process has on conformity to product requirements and to the effectiveness of the Management System, and the type and extent of monitoring and measurement as related to the importance of the process.
8.2.4	Para 1 amended: ... in accordance with planned arrangements (see 7.1). <i>Evidence of conformity with the acceptance criteria shall be maintained.</i>	
8.2.4	Para 2 amended: Now reads, Records shall indicate the person(s) authorising release of product <i>for delivery to the customer (see 4.2.4).</i>	Clarifies intent of "released product."
8.2.4	Para 3 amended: Now reads, <i>The release of product and delivery of service to the customer shall not proceed...</i>	Clarifies distinction between internal release vs. release to the customer.
8.3	Para 1, sentence 2 amended: Now reads, <i>A documented procedure shall be established to define the controls and related responsibilities and authorities for dealing with nonconforming product.</i>	Change to clarify the requirement for documented procedure
8.3	Para 2 amended: Where <i>applicable</i> , the organisation shall deal...	Allows flexibility especially for service industries
8.3	Para 2, section d added: <i>by taking action appropriate to the effects, or potential effects, of the non-conformity when nonconforming product is detected after delivery or use has started</i>	An additional optional method for dealing with nonconformities.
8.3	Ordering of Para's 3 and 4 reversed	
8.3	Para 5 now moved and included as part of Para 2, new section D	
8.4	Section B amended: Now reads. ... <i>conformity to product requirements (see 8.2.4)</i>	
8.4	Section C amended: ...including opportunities for preventative action ( <i>see 8.2.3 and 8.2.4</i> ), and...	
8.4	Section D amended: ...suppliers ( <i>see 7.4</i> )	
8.5.2	Para 1 amended: Now ...take action to eliminate the causes of nonconformities...	
8.5.2	Section f amended: Now, reviewing <i>the effectiveness of the corrective action taken</i>	
8.5.3	Section e amended: Now, reviewing <i>the effectiveness of the preventative action taken.</i>	
Annex A	Updated to reflect ISO 9001:2008 against ISO 14001:2004	
Annex B	Updated to reflect ISO 9001:2008 against ISO 9001: 2000	



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Curlewis J cited with approval the following remarks of Wessels JP in the unreported case of R v Stephen (TPD) 12 July 1920:-

“In all cases where there is a contravention of an act or a regulation, whether directly or indirectly, the Owner and or Manager is held prima Facie liable. But, if he can show that he gave instructions to carry out these acts and regulations properly and that he interested himself in the matter to see that his orders were properly carried out, then he is not to be held responsible”.

*To make sure you are prepared, contact Isoglo for assistance:*

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