



Duty of Care

Employing a young person as an apprentice or trainee

Congratulations on employing a young apprentice or trainee

Your commitment to training and supervising an apprentice/trainee contributes to building a skilled workforce in New South Wales. Training and supervising an apprentice/trainee who is under 18 years of age comes with significant requirements and duty of care responsibilities.

Employer duty of care requirements

A duty of care is an additional requirement to employer obligations found in the *Apprenticeship and Traineeship Act 2001*, the National Training Contract and the NSW Training Plan.

As an Employer you **must**:

- conduct an induction for your apprentice/trainee and provide detailed information about the job role and responsibilities, staff structure and communication and reporting requirements
- explain to your employee Work Health and Safety requirements, including; equipment and machinery, safe working practices, emergency procedures and personal protective equipment
- provide a suitably skilled and experienced supervisor for your employee to ensure their welfare
- comply with child protection legislation <http://www.kids.nsw.gov.au> **02 9286 7219**
- ensure that no bullying, victimisation, harassment or discrimination occurs in the workplace
- train existing staff to be leaders and recognise that pranks or practical jokes can have devastating effects see our free [supervisor workshops](#)
- communicate regularly with the apprentice/trainee and the Registered Training Organisation (RTO) about needs, expectations in regard to training and the associated on-the-job skills
- comply with relevant industrial legislation for pay and workplace conditions

Understanding the needs of a young person

Transitioning into work is not easy, and for someone starting their first job it can be a steep learning curve. An apprenticeship is a 3 way partnership between an employer, the apprentice/trainee and the RTO. Parties work proactively together to coordinate progression and address training needs as they arise for the apprentice/trainee and the business.

Apprentices/trainees learn the application of skills through on-the-job training and experience provided by the employer. The RTO delivers training and assessment to ensure relevant standards are met. Young people need more guidance and support than mature-aged employees, no matter how committed and keen they are to learn.

Support for Employers

Training Services NSW is the regulatory authority that administers apprenticeships and traineeships in NSW. Our industry training officers routinely contact employers and visit workplaces where there are apprentices and trainees. Employers of school based apprentices may also be contacted by a teacher from the school.

Industry training officers will speak to employers and/or workplace supervisors to ensure they understand their obligations to an apprentice/trainee. The aim of this contact is to ensure that the apprentice or trainee adapts quickly to the work environment, makes a positive contribution to the business and is performing work tasks that complement the structured training and assessment delivered by the RTO. The RTO's will deliver the course and the employer can identify additional training needs on the [NSW Training Plan](#). For help phone Training Services NSW **13 28 11** from anywhere in NSW.

Training Services NSW website www.training.nsw.gov.au provides information for employers, apprentices, trainees, Apprenticeship Network Providers (ANPs), RTOs and other related agencies. Apprenticeship and Traineeship publications are found on the [Forms](#) tab on the website.

Key publications include:

- [A complete guide to Apprenticeships and Traineeships in NSW](#)
- [Supervising your apprentice or trainee](#)
- [Thriving in your apprenticeship and traineeship](#)

Specialist advice and information

Lifeline (24hrs a day): 13 11 14, **HeadSpace** 1800 650 890, **Mental Health Line** 1800 011 511, **Beyond Blue** 1300 22 4636

Workplace safety and workers compensation phone SafeWork NSW **13 10 50** or visit <https://www.safework.nsw.gov.au>.

Working with children and young people www.kidsguardian.nsw.gov.au or phone **02 9286 7219**

Wages and conditions www.fairwork.gov.au or phone **13 13 94**

Incentives and entitlements www.australianapprenticeships.gov.au or phone **1300 363 831**

Employment transition arrangements <https://www.industrialrelations.nsw.gov.au/>

Advice about school based apprenticeships and traineeships in NSW www.sbatinnsw.info

Office Use Only		
Apprentice/trainee name/phone		
Legal name of employer		
Employer/supervisor name/phone		
Qualification		
Date	Duty of care commitment discussion conducted by <i>(Department name of officers attending)</i>	
TCID	<i>(Employer Signature & Date)</i>	<i>(Apprentice/Trainee Signature & Date)</i>

Extract - NSW Training Plan Obligations

OBLIGATIONS AND UNDERTAKINGS

Registered Training Organisation (RTO) I, the undersigned, on behalf of the nominated RTO, confirm that:

- a. This Training Plan was developed in consultation/negotiation with both the employer and apprentice/trainee.
- b. This Training Plan will be kept up to date and a copy regularly provided to parties.
- c. Formal training and assessment will be undertaken in accordance with the obligations and responsibilities as detailed in the Apprenticeship and Traineeship Act 2001, Vocational Training Guideline – *Training Plan*, and relevant Vocational Training Order and Training Package.
- d. Regular updates will be provided to the employer and apprentice/trainee on the progress of training.
- e. Training Services NSW will be notified of any matter that may jeopardise the successful completion of the training within 21 days of the matter arising, including where the apprentice/trainee is not released to attend training or assessment by their employer.
- f. Employer endorsement that a learner is competent to industry standards in the vocation will be obtained **BEFORE** issuing a qualification for this apprentice/trainee.
- g. Training Services NSW will be notified within 28 days when the apprentice/trainee is eligible to be issued with the appropriate qualification.

RTO/Trainer's Signature		Date	
Print Name		Position	

Employer I, the undersigned, on behalf of the nominated employer, agree to:

- a. The employer responsibilities as outlined in this Training Plan.
- b. Provide work and on the job training consistent with formal training provided under this Training Plan.
- c. Provide appropriately qualified/experienced and accessible supervision for this apprentice/trainee.
- d. Withdraw my apprentice/trainee from routine work duties, with pay, for a minimum of 3 hours per week, averaged over a 4 weeks period, for the purpose of undertaking formal training/ learning/ assessment activities.
- e. The RTO providing information to Training Services NSW as specified in (e) and (g) above.
- f. Report/confirm learner competence in the vocation to the RTO as appropriate.
- g. Information provided by the RTO in (g) above possibly being used to initiate competency based completion of the apprenticeship/traineeship.

Employer's Signature		Date	
Print Name		Position	

Apprentice/Trainee I, the undersigned, agree that:

- a. I am aware of and agree to my responsibilities as outlined in this Training Plan.
- b. I will make every effort to successfully complete the training outlined in this Training Plan.
- c. The RTO may provide information to Training Services NSW as specified in (e) and (g) above.
- d. Information provided by the RTO in (g) above may be used to initiate competency based completion of the apprenticeship/traineeship.

Apprentice/Trainee Signature		Date	
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Extract - National Training Contract Obligations

We understand that this Apprenticeship/Traineeship Contract is legally binding in accordance with the **Training Contract Obligations** set out below and the legislation of the State or Territory in which this Training Contract is to be registered.

Training Contract Obligations

For the employer, apprentice or trainee, and parent or guardian (where applicable)

We agree that

For the employer

I agree that I will

- a) employ and train the apprentice/trainee as agreed in our Training Plan and ensure the apprentice/trainee understands the choices that he/she has regarding the training
- b) provide the appropriate facilities and experienced people to facilitate the training and supervise the apprentice/trainee while at work, in accordance with the Training Plan
- c) make sure the apprentice/trainee receives on-the-job training and assessment in accordance with our Training Plan
- d) provide work that is relevant and appropriate to the vocation and also to the achievement of the qualification referred to in this Contract
- e) release the apprentice/trainee from work and pay the appropriate wages to attend any training and assessment specified in our Training Plan
- f) meet all legal requirements regarding the apprentice/trainee, including but not limited to, occupational health and safety requirements and payment of wages and conditions under the relevant employment arrangements
- g) repay any payment I receive that I am not entitled to
- h) work with our RTO and the apprentice/trainee to make sure we follow our Training Plan, keep training records up-to-date, and monitor and support the apprentice/trainee's progress; and
- i) let the relevant State/Territory government department or agency and the RTO know within five working days (or when the local State/Territory legislation requires, if this is different) if our Training Contract has become jeopardised.

I acknowledge that it is an offence to use information in the Contract to discriminate against any person, including the apprentice/trainee.

For the apprentice/trainee

I agree that I will

- a) attend work, do my job, and follow my employer's instructions, as long as they are lawful
- b) work towards achieving the qualification stated in our Training Contract
- c) undertake any training and assessment in our Training Plan.

For the parent or guardian

I agree that I will

uphold the responsibilities listed above for the apprentice/trainee until this person is 18 years of age.