

Conditions of employment

Apprenticeships and traineeships are administered in accordance with the provisions of the Apprenticeship and Traineeship Act 2001. Under this Act, all apprentices and trainees must be employed under an appropriate industrial arrangement or approved workplace agreement.

5.1 Age

There is no minimum or maximum age limit for apprentices or trainees but minimum age requirements may apply to some vocations, such as those requiring a security licence.

Apprentices or trainees working in licensed premises or gambling service areas must be at least 18 years of age, although this does not apply to apprentices/trainees working in the office, housekeeping or kitchen areas of such premises. Any gaming industry employer intending to hire someone under 18 must obtain clearance from the NSW Office of Liquor, Gaming and Racing (www.olgr.nsw.gov.au).

In some industries, in accordance with the requirements of the Occupational Health and Safety Act 2001, apprentices and trainees may need to be more than 16 years old if they are required to work on or near dangerous machinery.

Where a student younger than 15 wishes to leave school to undertake an apprenticeship or traineeship they must first obtain a Certificate of Exemption under the Education Act 1990 through their school principal. School students under the minimum leaving age who want to leave school to undertake a part-time traineeship will be assessed on a case by case basis.

Students who are still at school and participating in a part-time school-based apprenticeship or traineeship do not require a Certificate of Exemption. Participation in school-based apprenticeships and traineeships requires the consent of the parent or guardian and the school.

School students of any age who want to undertake a part-time traineeship separate from the school curriculum will need to demonstrate that they can comply with the required number of on-the-job training hours each week.

5.2 Number of apprentices or trainees

There is no limit to the number of apprentices or trainees who can be employed in any one workplace providing that the supervision arrangements comply with the relevant industrial award or agreement and the employer provides adequate supervision and training for each apprentice or trainee. This will vary according to the industry, the type of workplace, the nature of the work and the skills of the apprentices and trainees employed. For advice about what constitutes adequate supervision and on-the-job training, employers should contact their local State Training Services centre (ph 13 28 11).

A supervisor must be able to demonstrate that they have the relevant competencies in the apprentice's/trainee's trade or traineeship vocation.

5.3 Duration of training contract

The nominal term of an apprenticeship or traineeship is specified in the training contract

and indicates a period in which the apprenticeship or traineeship is expected to be completed. As all apprenticeships and traineeships are competency based, the actual completion date may be significantly earlier than the expected completion date indicated in the approval letter sent by State Training Services to the apprentice/trainee and the employer. Refer to Section 4.2.3 for more information regarding competency-based training and Section 10 for the completion process.

The nominal term of an apprenticeship is generally four years. This includes from two to three years of formal training delivered by a registered training organisation, usually either one day per week or in blocks of several days during the year. The final year is usually spent full-time on the job.

Traineeships generally range from six months to three years. In some industries part-time traineeships with proportionately longer training terms are available providing that there is coverage under the relevant industrial award or workplace agreement.

School students can undertake an apprenticeship or traineeships as part of their HSC. Part-time school-based apprenticeships and traineeships include all the requirements of full-time apprenticeships / traineeships.

5.4 Probationary period

All apprenticeships and traineeships (with the exception of trainee apprenticeships) have a probationary period. The probationary period is as specified in the relevant Vocational Training Order and varies from 1 to 3 months, depending on the term of the training contract. The date on which the probationary period ends is specified in the approval letters sent to the employer and apprentice/ trainee.

The probationary period can be extended by up to three months on application by the employer, apprentice/trainee or both providing that the extension request is lodged with State Training Services before the original probationary period elapses.

While the apprentice/trainee is 'on probation', the employer or apprentice/trainee can withdraw from the training contract simply by giving the appropriate period of notice (as per the award or workplace agreement) to the other party. The employer must notify State Training Services (ph 13 28 11) within 14 days of withdrawal.

Once the probationary period has elapsed, the training contract becomes binding on both parties. It can only be cancelled or transferred by mutual consent or, where there is no agreement, by means of an application lodged with State Training Services. See Section 9 or contact your local State Training Services centre (ph 13 28 11) for more information.

5.5 Wages and awards

All apprentices and trainees must be employed under an appropriate industrial arrangement. Under the Industrial Relations (Child Employment) Act 2006 employers must comply with the "No net detriment principles" when employing young people. See [35Hwww.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au) for more information about young people's rights.

Employers are required by law to have a copy of the relevant award or industrial agreement on file in the workplace.

Each apprentice/trainee must be paid at least the wage rate set out in the State or Federal industrial award or workplace agreement under which they have been employed. Wages vary according to the industry in which the apprentice/trainee is

employed and may depend on the type of apprenticeship or traineeship, the stage they have reached, their age, and the number of years since they left school.

State and Federal awards are increasingly being varied to accommodate part-time traineeships and school-based apprenticeships and traineeships.

Employers are obliged by law to keep records of times worked by each apprentice/trainee (including attendance at off-the-job training) and his/her wages. They are also obliged to provide employees with a pay slip which includes details such as the period of employment to which the pay relates, hours worked (including overtime), gross pay, tax deducted, other deductions and net pay.

For information about NSW State Training Wage Awards and industrial arrangements covering apprentices and trainees, contact the NSW Office of Industrial Relations (ph 13 16 28 or visit www.industrialrelations.nsw.gov.au).

For information about Federal awards and agreements, contact the Commonwealth Department of Education, Employment and Workplace Relations (ph 02 6121 6000 or visit www.workplace.gov.au/workplace). For the full text of Australian Federal awards and agreements visit the Australian Government Workplace Authority website: www.workplaceauthority.gov.au.

Assistance with information about industrial awards and conditions of employment can also be obtained from employer associations and trade unions.

Like other employees, apprentices and trainees are eligible to receive entitlements such as leave (sick leave, annual leave, parental leave, bereavement leave) and allowances (tool allowance, uniform or laundry allowance, travel allowance) as set out in the relevant legislation, industrial award or agreement.

5.6 Other conditions of employment

Mandatory employer superannuation contributions apply to apprentices and trainees, as for other employees.

Claims against employers for non-payment of wages or wage-related entitlements should be directed to the relevant State or Federal Government Industrial Relations authority.

Apprentices and trainees are also covered by State legislation such as the Occupational Health and Safety Act 2000, which deals with safety in the workplace, and the Anti-Discrimination Act 1997, which prohibits discrimination and harassment in the workplace.

For more information on occupational health and safety contact NSW WorkCover on Ph 13 10 50 or visit: www.workcover.nsw.gov.au

For more information on workplace anti-discrimination contact the Anti-Discrimination Board on (02) 9268 5555 or 1800 670 812 or use the website: www.lawlink.nsw.gov.au/ADB

5.7 Workers' compensation

Apprentices, trainees, trainee apprentices and existing worker trainees are all

employees and should be covered by the employer's workers compensation insurance policy for the duration of their training contract. From 1 January 2007 employers of apprentices are exempt from paying workers compensation premiums although apprentices must be registered on the employer's workers compensation policy. See www.workcover.nsw.gov.au for details of this exemption.

5.8 Group training organisations

Group training organisations (GTOs) employ apprentices and/or trainees and place them with 'host employers' to undertake their required on-the-job work experience and training. They arrange the apprentices' and/or trainees' off-the-job training and provide mentoring, advice and support as the apprentices and/or trainees make the transition into their chosen careers.

For further advice and information about group training organisations or referral to a GTO contact Group Training NSW (ph 1800 819 747 or 9746 9333).

