

Rights and responsibilities of apprentices and trainees

7.1 Apprentices' and trainees' rights

Apprentices and trainees are entitled to have the opportunity to learn all the skills of their trade or traineeship through their on-the-job training in the workplace. They should expect to be trained by a suitably-qualified or experienced person and to have the chance to learn how to use the tools and equipment commonly found in that industry. Apprentices and trainees should expect to receive training and have hands-on experience in a wide range of relevant tasks that cover all the competencies set out in the training plan.

Apprentices and trainees are also entitled to be given every opportunity to complete the formal training specified in the training plan and delivered by the registered training organisation.

Apprentices and trainees are entitled to receive payment for their work in accordance with the relevant industrial award or agreement and to work in a healthy and safe working environment free of any form of harassment.

7.2 Apprentices' and trainees' responsibilities

Apprentices and trainees have obligations under the Apprenticeship and Traineeship Act 2001 and the training contract. These are summarised below.

7.2.1 Training obligations

Apprentices and trainees must make every effort to acquire the skills and knowledge they need to successfully complete their apprenticeship or traineeship by:

- accepting instruction and training in the vocation given by the employer or by a workplace supervisor
- attending scheduled training delivered by the registered training organisation
- completing assignments and other assessment tasks set by the registered training organisation
- maintaining the competency record book or work evidence guide if one has been issued.

7.2.2 Obligations to the employer

An apprentice or trainee must make all reasonable efforts to discharge his or her obligations as an employee. This includes following all lawful instructions of the employer or his/her representative, making every effort to abide by the policies and procedures that apply in the workplace and demonstrating a commitment to the business for which they work.

7.2.3 Obligation to notify State Training Services

Apprentices and trainees should contact their local State Training Services centre on 13 28 11 or log onto www.skilling.nsw.gov.au to notify any changes to their personal details such as name, home address or postal address, or if they have any concerns about successfully completing their apprenticeship or traineeship.

7.2.4 Obligation to apply for changes to training arrangements

Applications for changes to the training arrangements must be made to the Commissioner for Vocational Training through State Training Services (ph 13 28 11) by the employer and the apprentice or trainee, or by either of them alone. Changes could include:

- transfer of the training contract to another employer
- suspension of the training contract
- cancellation of the training contract
- contract variations such as requests for a change in the completion date of the training contract or requests for a change of qualification
- training plan variations such as a change of registered training organisation or change to the mode of delivery

Changes to the training plan must be endorsed with the consent of the relevant registered training organisation.

7.3 Apprentices and trainees under 18 years of age

If an apprentice or trainee is under 18 years of age, their parent or guardian must sign the training contract. This denotes that the parent or guardian is assuming legal responsibility on behalf of the apprentice or trainee for entering into the training contract and upholding the legal obligations under that contract until he/she turns 18.

If a parent's or guardian's signature cannot be obtained, the apprentice or trainee can provide a statutory declaration explaining why it is unobtainable and confirming that they understand and accept their obligations under the training contract.

