



Duty of Care

Employing a young person as an apprentice or trainee

Congratulations on your decision to employ a young person as an apprentice or trainee in New South Wales.

Taking age into account

The transition from school to work is not easy, and for someone starting their first job it's a steep learning curve. No matter how committed and keen to learn, young people may need more guidance and support than mature-aged employees, especially in the early stages.

- Apprentices/trainees and their employers have obligations that are set out in the Apprenticeship and Traineeship Act and are formalised through a training contract. The training contract is a binding agreement between the employer and the apprentice/trainee. For information visit the website: www.austlii.edu.au/au/legis/nsw/consol_act/aata2001295/
- Employers should be aware of their obligations under industrial, child protection, and workplace health and safety legislation. For information about Australia's rights and rules including: wages, pay rates, awards, leave entitlements and redundancy, check with **Fair Work** on **13 13 94** or via www.fairwork.gov.au
- For information on your staff suitability to work with young people and child protection information visit the website www.kids.nsw.gov.au or phone **02 9286 7219**.
- Employers should conduct a thorough and informative induction that gives the young apprentice/trainee all the relevant information about the job, roles and responsibilities, staff structure and their reporting responsibilities. Take the time to explain about workplace safety requirements, particularly in relation to equipment and machinery on site, safe working practices, emergency procedures and the correct use of personal protective equipment.
- Employers should inform the learner of company policy in relation to the **use of mobile phones** and how the improper use of **social media** can impact on the workplace. The need for learners to maintain privacy and confidentiality of clients and company matters should also be discussed.
- Always remember that the most basic safety precautions may need to be reinforced continuously to first-time workers. For workplace safety and workers compensation matters, contact **Work Cover** on **13 10 50** or visit the website www.workcover.nsw.gov.au
- Apprentices/trainees learn new skills from formal training delivered by Registered Training Organisations (RTOs) that are enhanced through on-the-job training. Assessment takes place once the learner is able to demonstrate their capability to perform these duties competently. Having a suitably skilled and experienced person to supervise the learner in the workplace will ensure their welfare on the job is always an advantage.
- As the legal employer, it is your responsibility and duty of care to ensure your workplace is free from bullying, victimisation, harassment and discrimination. What may have been intended as a practical joke or a harmless prank can have a devastating effect in the workplace. Lunchroom discussions should be age appropriate, particularly if a young person is present. Please remember to inform your staff of your workplace expectations.

Training Services NSW support for employers and learners

Training Services NSW has moved to be a division of the Department of Industry and is the state regulator that administers apprenticeships and traineeships. Contact your nearest office on **13 28 11** if you have any queries or require advice relating to the training of apprentices and trainees. Our website has all the required forms at: [www.training.nsw.gov.au/forms_documents/index.html#Apprenticeships and Traineeships](http://www.training.nsw.gov.au/forms_documents/index.html#Apprenticeships_and_Traineeships)

The training contract can only be amended by mutual agreement of both parties and approved by Training Services NSW under delegation from the **Apprenticeship & Traineeship Act 2001**. It is within the legislation that Training Services NSW must be **notified within 14 days** of any changes to the training contract. If, after discussion between the two parties, a resolution **cannot** be reached, either party may contact Training Services NSW and a trained mediator will attempt to resolve any situation that is impacting on the successful completion of the training contract.

Training Services NSW Field Officers will routinely contact employers or visit workplaces to monitor the progress of apprentices and trainees. This is to assist employers and workplace supervisors to be aware of their obligations and to provide information to ensure that the apprentice/trainee will adapt quickly to the work environment and make a positive contribution to your business.

Visit our website www.training.nsw.gov.au or call **13 28 11** to be connected to your nearest Training Services NSW office. The following publications are also available on our website:

A Complete Guide to Apprenticeships & Traineeships

www.training.nsw.gov.au/forms_documents/apprenticeships_traineeships/fullguide.pdf

Supervising your Apprentice or Trainee

www.training.nsw.gov.au/forms_documents/apprenticeships_traineeships/supervising_your_app_trainee.pdf

School Based Apprenticeships and Traineeships Guidelines:

www.sbatinns.gov.au/documents/2016/SBAT-Guidelines-2016.pdf

Learner Name:	TCID:
Qualification:	
Employer Trading Name:	
Duty of Care Discussion conducted by:	Date:
Employer Signature:	Date:
Learner Signature:	Date:
Other Comments:	