Duty of care for school based apprentices and trainees

Information for Students

A school based apprenticeship and traineeship provides you with a wonderful opportunity to gain a nationally recognised vocational education and training qualification as well your Higher School Certificate. It also enables you to gain valuable work skills and experience through your paid employment with your employer.

During the school based component of your apprenticeship or traineeship a number of people will have a responsibility for your welfare and progress, most importantly your school, employer and registered training organisation.

Like most, your apprenticeship or traineeship will probably be trouble-free. However, sometimes unexpected things can happen. Therefore, to assist you we have prepared the following information to provide answers to the questions that are most often asked.

Frequently Asked Questions

1. **Who will support me during my school based apprenticeship or traineeship?**

   The key people are:
   - staff in your local State Training Centre who manage your apprenticeship or traineeship
   - the school contact person who is nominated on your Training Plan – this may be the Careers Adviser or another teacher in your school
   - the person who has been given as your contact in your registered training organisation, eg, TAFE.
   - your supervisor or mentor in the workplace

   You will be given contact details for the people above and this should be recorded on the on the SBAT Contacts Card that is given to you at the start of your school based apprenticeship or traineeship.

2. **How will support be provided?**

   A number of things have been put in place to support school based apprentices and trainees. This includes:
   - clearly identifying who you should contact if you have concerns or require advice or assistance
   - holding regular ‘catch up sessions’ at school at the end of each term to discuss your general progress and wellbeing
   - monitoring your progress in the apprenticeship or traineeship and, if necessary, providing you with help if you have any problems or need advice – this is done by the local State Training Centre staff as well as by your school contact

3. **Preparation and support for the apprenticeship or traineeship?**

   Your employer is responsible for providing you with an introduction to your new workplace and the work that you will be doing.

   Your school will also provide a briefing session to help you to ease into your apprenticeship or traineeship. This preparatory session will cover areas such as:
   - employee obligations – that is, what you are expected to do as an employee including your specific obligations as an apprentice or trainee under the NSW Apprenticeship and Traineeship Act 2001
   - expectations of employers
   - employer obligations including their obligations under the NSW Apprenticeship and Traineeship Act 2001.

   The Preparatory session will also cover the following things to support your safety and welfare as a school based apprentice or trainee:
   - the importance of OHS requirements in the workplace
   - your personal safety in the workplace, including ways to deal with any possible bullying, harassment or discrimination in the unlikely event it happens
   - strategies to help you to work with your co-workers – such as different ways for dealing with issues or comments that may arise at work
   - how to notify your school of any incident, grievance or concern you may have about your workplace or training environment

   Your local State Training Centre staff and registered training organisation such as TAFE NSW will also provide you with information to help you to successfully settle into your apprenticeship or traineeship.
4. Does my school supervise me in the workplace?

Your employer is responsible for supervising you when you are in the workplace. However, your school will keep an eye on your progress in your apprenticeship or traineeship as part of your school curriculum through regular 'Catch-up Sessions'.

5. What things shouldn’t happen at the workplace?

Most employers and their staff know that they must at all times behave appropriately with school based apprentices and trainees.

However, we have reminded employers that the following behaviour should not be allowed to happen:

- initiation activities or horseplay directed at or involving you
- behaviour such as the use of unsuitable/bad language in your presence
- someone trying to take advantage of you because of your age and newness to the workplace
- any discrimination towards you.

If you experience any of the above, you should tell your supervisor or employer straight away – your supervisor or employer should immediately follow up the matter and take action to make sure that it does not happen again.

There are also several other things that you need to be aware of even though they rarely occur. They are serious and you must also tell your school immediately as your safety or welfare could be at risk:

- if you are physically assaulted or exposed to violence
- if you are harassed or bullied
- if you are sexually harassed.

6. What do I do if I have an apprenticeship or traineeship concern or need advice or assistance?

If you have a complaint or problem about your workplace supervision or training, or the training or assessments by your registered training organisation you should contact your school for advice.

You should also tell your school immediately if you suffer an injury that might affect your progress or attendance at the workplace or at training. If you find that you are having difficulties managing or balancing your HSC and SBAT commitments, you should speak to your school contact person who will provide you with advice and support or arrange for this help to be given to you.

As a general rule, if you have a concern about your apprenticeship or traineeship that you consider hasn’t been dealt with appropriately or that you feel you can’t discuss with your employer or supervisor, you should contact your school for advice.

7. What are your obligations as a school based apprentice or trainee?

As a school based apprentice or trainee you should:

- tell your employer and school as soon as possible if you are not able to attend work or training through, for example, illness
- tell your supervisor in the workplace promptly of any injury, accident or incident that may have occurred
- undertake any reasonable request by your employer to fulfill the requirements of the job
- complete your Record of Attendance at Work book each time you attend the workplace registering the hours you have worked and have this signed by your Supervisor
- provide the Record of Attendance at Work book when you attend the ‘Catch-up Session’ at school each term

8. Employer’s obligations?

Employers and their staff supervising school based apprentices or trainees must:

- provide you with a safe and positive working environment as required under the NSW Occupational Health and Safety Act 2000 and relevant anti-discrimination and Equal Employment Opportunity legislation
- provide on-the-job training to you under the supervision of a capable and trustworthy employee who understands what they are required to do
- identify and eliminate or minimise any risks associated with the work undertaken by you
- provide appropriate information, training and on-going supervision during the duration of your training contract
- provide a workplace induction that includes relevant safety matters at the beginning of your apprenticeship or traineeship
- provide personal protective equipment (PPE) where required and appropriate training prior to its use
- ensure that any particular needs that you may have are appropriately supported in the workplace
- follow up any incidents of unacceptable behaviour, risks to your safety or welfare, or risk of harm to you as required by law.

Employers should also know about the NSW DET Incident Report and its use. In addition, employers must have the appropriate property, public liability and workers compensation insurance arrangements in place to cover you as their employee for the duration of your training contract.