

Paid Work Trial Information Sheet

Prior to establishing a school based apprenticeship or traineeship, the prospective employer or student may wish to assess the compatibility or suitability of the proposed match. However, both parties need to carefully consider the industrial relations implications that may arise in relation to this assessment.

What is a paid work trial?

Under a paid work trial, a student can undertake aspects of the work that they will be performing as an apprentice or trainee. The student must be paid by the employer in accordance with the appropriate industrial instrument and all other relevant employer/employee responsibilities, including workers compensation insurance, apply.

What is the difference between work experience and an unpaid work trial?

If a short period of work experience is proposed care needs to be taken to ensure that the work experience does not constitute an unpaid work trial. Unpaid work trials are illegal and employers can be prosecuted for having people in their workplace on this basis.

To distinguish work experience from an unpaid work trial in the context of school based apprenticeships and traineeships, the activities undertaken by the student during their work experience must be:

- undertaken as part of an accredited educational course; and
- part of the practical component of that educational course; and
- primarily observational in nature rather than beneficial to the business in terms of profitability.

That is, work experience can only be undertaken when it is part of the practical component of a course or a qualification. In general, placements arranged outside the school's regular work experience program do not meet the above requirements as advised by both the state and federal departments with responsibility for compliance with industrial laws.

Therefore, any student considering an apprenticeship or traineeship in a particular industry cannot undertake 'work experience' to see if they are suited to the industry or the work involved. They may however undertake a paid work trial.

If the student has already enrolled in the qualification before the establishment of the school based apprenticeship or traineeship, the 'work experience' can only be undertaken if that 'work experience' is part of the practical component of the course or qualification.

What does this mean for prospective employers of school based apprentices or trainees?

Most employers are keen to do the right thing. However, there is considerable concern in the community regarding the use of illegal unpaid work trials by some business operators. As a school based apprenticeship or traineeship leads directly to a paid work component in the apprenticeship or traineeship, it is appropriate for the student to undertake a paid work trial.

This paid work trial can be undertaken at a time that is suitable to the employer and the student and agreeable to the school or region that is liaising with the employer. The scheduling of the work trial may include during school holidays.

Before undertaking a paid work trial, the employer should advise the student (and where possible their parent or carer) regarding:

- the name of the employer and the name of the business
- the start and finish date of the work trial
- the rate of pay and the relevant industrial award
- any additional requirements - for example, a Criminal Record Check or personal protective equipment (PPE) arranged by the employer.

In addition, employers should advise the following:

- how the student will be inducted into the workplace, including dealing with relevant occupational health and safety obligations
- how the employer will evaluate the student's suitability for the proposed apprenticeship or traineeship
- any other relevant information - for example, particular attitudes and employability skills they may be looking for.

For further information

- the NSW Office of Industrial Relations on 13 16 28 or visit www.industrialrelations.nsw.gov.au
- the Federal Workplace Ombudsman Helpline on 1300 724 200 or visit www.wo.gov.au

For information about unpaid work trials, see OIR Newsletter Issue 25, Dec 05 available at <http://www.industrialrelations.nsw.gov.au/pubs/index.html>